

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

MISC. APPLICATION NO OF 2021
IN
ORIGINAL APPLICATION NO. 33/2015

BETWEEN:

The Goa Foundation

...APPLICANT

AND

Goa State Environment
Impact Assessment Authority & Ors.

...RESPONDENTS

SYNOPSIS AND CHRONOLOGY OF DATES AND EVENTS

By this application, the applicant seeks an order from this Hon'ble Tribunal to restore to the cause list O.A. No.33/2015 (which was disposed of on 22.01.2020 by this Hon'ble Tribunal) and to re-hear the matter, as the applicant was not heard at the time of the disposal of the O.A. The challenge in the O.A is to the construction of a Rs.77 crore bridge across the Tiracol river in the CRZ in North Goa. O.A No. 33/2015 was originally filed in April 2015. During the period 2015 to 2018, the matter was listed before the NGT no less than 24 times. The applicant attended all hearings at Pune, through its counsel sent from Goa specifically for the hearings. After 2018, the matter was not listed before the NGT (WZ) due to non functioning of the Tribunal for various reasons. Subsequently, the Principal Bench began hearings in Delhi, of matters which were pending before the NGT (WZ) for some time, with video conference arrangements at the NGT premises in Pune. In these circumstances, the applicant was informed a day prior by its AOR who is based in Pune, that the O.A. No. 33/2015 was listed for hearing on the following day, i.e., 22.1.2020. There was no prior notice or warning. Applicant was taken by surprise and could not arrange for its counsel to be present in Delhi or in Pune on the appointed day. On the Applicant's instructions, the junior of the AOR

requested the Hon'ble NGT Bench that she was not equipped to argue the matter and she was only standing in for a date, however, the Tribunal rejected her request and proceeded to pass the impugned order, which, the applicant respectfully submits is in violation of section 19 (1) of the NGT Act, and wholly in violation of the principles of natural justice. In addition, it is the Appellant's case in this Application that the Hon'ble Tribunal has not dealt with the various issues raised in the petition including the serious violation of laws meant to protect the environment. Hence, it is respectfully submitted that an order to restore O.A. 33/2015(WZ) and re-hear the matter is warranted.

LIST OF DATES AND EVENTS			
Sr. No.	Date	Particulars of events or documents if any	Annexure and Page
1.	Jan. 2011	The CRZ Notification, 2011 is notified, <i>inter alia</i> prohibiting certain activities and restricting others within specified limits of water bodies affected by tidal action	
2.	Dec. 2014	In Applicant's Appeal No. 31/2014, Hon'ble NGT [Western Zone] stays construction of Rs.77 crore bridge across the Tiracol river within the CRZ in North Goa	
3.	April 2015	After Appeal No. 31/2014 is disposed, Applicant files O.A. 33/2015(WZ) with the Hon'ble NGT [Western Zone]	
4.	17.04.2015	<i>Vide</i> order dt. 17.04.2015 in O.A. 33/2015[WZ],NGT extends earlier stay on construction of bridge	Annexure D at pgs. 20-21
5.	2015-2018	At least 24 hearings of O.A. 33/2015[WZ] take place in this period, with the Appellant attending all of these through its counsel, with the last hearing on 02.07.2018	
6.	03.07.2018– 01.01.2020	O.A. 33/2015 not listed before the NGT (WZ) due to non-functioning of the Tribunal for various reasons.	

7.	January 2020	Hon'ble Principal Bench, NGT, begins hearing matters pending before the NGT Western Bench	
8.	21.01.2020	Applicant informed by its AOR that O.A. 33/2015 was listed for hearing on 22.01.2020, i.e. the following day. Due to no prior notice or intimation about the case being listed, the Applicant requests its AOR to seek a short adjournment.	
9.	22.01.2020	Due to the AOR being out of station and unable to attend, her junior stood in and sought for a short adjournment. The Hon'ble Tribunal rejected this request and passed the impugned order disposing of O.A. 33/2015[WZ]	Annexure A at pgs. 14-16
10.	11.03.2021	Hon'ble High Court of Bombay at Goa disposes of W.P. 183/2021[F] <i>vide</i> order dt. 11/03/2021, giving the Applicant liberty to approach this Hon'ble NGT Principal Bench	Annexure B at pg. 17-18
11.	08.04.2021	Due to the unavailability online of the said order dt. 11/03/2021, the Applicant applies for an authenticated copy of the order with the Registry	Annexure C at pg. 19
12.	31.07.2021	Applicant receives authenticated copy of order dt. 11/03/2021 passed by the Hon'ble Bombay High Court at Goa in W.P. 183/2021	Annexure C at pg. 19
13.	04 th September 2021	O.A. bearing Filing No. 0701102024432021 filed with Principal Bench of Hon'ble NGT, subsequently returned by Registry informing the Applicant to approach this Hon'ble WZ Bench	Annexure E Colly, at pg. 22 -23
14.	04.10.2021	Present M.A. filed in O.A. 33/2015	

PLACE – MAPUSA

DATE – 04.10.2021



Advocate for the Applicant

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL ,
WESTERN ZONE BENCH AT PUNE

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Compilation – I

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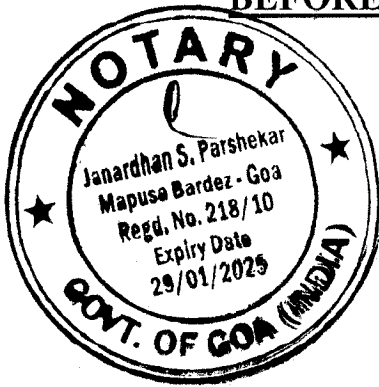
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PLACE – MAPUSA

DATE – 04.10.2021



Advocate for the Applicant



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

MISC. APPLICATION NO OF 2021
IN
ORIGINAL APPLICATION NO. 33/2015

BETWEEN:

The Goa Foundation

Through its Secretary

G-8, St Brittos Apt,

Feira Alta, Mapusa Goa 403507.

Email id: goafoundation@gmail.com,

Contact No. – 9674390308.

.....APPLICANT

AND

**1. GOA STATE ENVIRONMENT IMPACT ASSESSMENT
AUTHORITY,**

through its Secretary,

c/o Goa Pollution Control Board,

Near Pilerne Industrial Estate,

Opposite Saligao Seminary,

Saligao, Bardez, Goa – 403511,

Email id- mail.gspcb@gov.in

Contact No. - 0832-2407700.

2. GOA COASTAL ZONE MANAGEMENT AUTHORITY

through its Member Secretary,

4th Floor, Dempo Towers,

Patto, Panaji, Goa - 403001,

Email id: goacoastalzone@gmail.com,

Contact No. - 0832-2407186.

**3. GOA STATE INFRASTRUCTURE DEVELOPMENT
CORPORATION**

through its Managing Director,

7th Floor, EDC House,

Dr. Atmaram Borkar Road,

Panaji, Goa – 40300,

Email id - email@gsidcltd.com

Contact no. - 0832-2493550.

4. **STATE OF GOA,**
 through its Chief Secretary,
 c/o Secretariat,
 Porvorim, Goa - 403521,
 Email id: cs-go@nic.in,
 Contact No. - 0832-2419402.

5. **PRINCIPAL CHIEF CONSERVATOR OF FORESTS,**
 Forest Department, Government of Goa,
 'Van Bhavan', Altinho, Panaji, Goa – 403001,
 Email id – dcfhq-forest.goa@nic.in,
 Contact no. – 0832 – 2492533.

6. **MINISTRY OF ENVIRONMENT,
 FORESTS & CLIMATE CHANGE,**
 through its Secretary, with address at:
 Indira Paryavaran Bhavan, Jor Bagh Rd,
 New Delhi - 110003,
 Email id – mefcc@gov.in,
 Contact no. – 011 - 24645586.

.....RESPONDENTS

(Above addresses are registered addresses of parties)

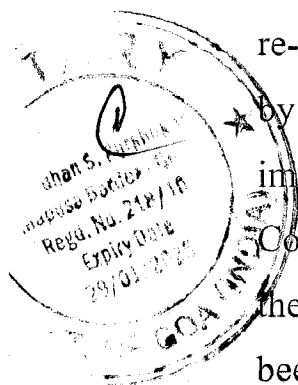


**THIS APPLICATION MOST
RESPECTFULLY SHOWETH:**

1. By this application, the applicant seeks an order from this Hon'ble Tribunal to restore to the cause list O.A. No.33/2015 (which was disposed of on 22.01.2020 by this Hon'ble Tribunal) and to re-hear the matter, as the applicant was not heard at the time of the disposal of the O.A. The challenge in the O.A is to the construction of a Rs.77 crore bridge across the Tiracol river in the CRZ in North Goa. The order disposing of O.A No.33/2015 is at Annexure A.

FACTS OF THIS CASE:

2. Pursuant to the disposal of the O.A No.33/2015 by this Hon'ble Tribunal, the applicant had approached the Bombay High Court at Goa in Writ Petition No.183 of 2021, praying to set aside the Tribunal's order dated 22.1.2020 and to remand the matter to the Tribunal to be re-heard on grounds of denial of natural justice. Upon being informed by the applicant that it had not approached the Hon'ble NGT after the impugned order was passed with the same prayers, the Hon'ble High Court felt it would be more appropriate for the applicant to approach the Tribunal to re-hear the O.A No. 33/2015, on its claim that it had been denied natural justice. The writ petition was accordingly disposed of on 11.3.2021. A copy of the High Court's order is Annexure B.
3. Applicant states that though the High Court's order is dated 11.3.2021, it was not uploaded on the High Court website for several months perhaps due to the intense occurrence of the second wave of the Covid-19 pandemic in Goa which effectively shut down the state for several months and also due to subsequent shifting of the High Court premises. Applicant had however applied for an authenticated copy as early as 8.4.2021 but the Registry supplied the Applicant with a copy only on 31.07.2021. Copy of the receipt issuing the copy of the order to the Applicant on 31.07.2021 (which also discloses date of filing for the order) is at Annexure C. Hence there is no delay on the part of the Applicant in filing this application for a fresh hearing of the O.A No. 33/2015.



4. A few relevant facts are stated below for this Hon'ble Tribunal to appreciate the reasons why the applicant is seeking re-hearing the O.A No. 33/2015, namely (i) denial of natural justice and (ii) environmental grounds raised in the application which were not considered by the Hon'ble Tribunal.

Denial of Natural Justice:

5. O.A No. 33/2015 was originally filed in April 2015. During the period 2015 to 2018, the matter was listed before the NGT no less than 24 times. The applicant attended all hearings at Pune, through its counsel sent from Goa specifically for the hearings. The detailed record maintained by the applicant is given below:

Goa-Pune-Goa trips made for Tiracol Bridge matter:

(OA33/2015)

No.	Date of hearing	Remarks
1	9.4.2015	Lawyer present
2	17.4.2015	Lawyer present/Agency finalized
3	25.4.2015	Lawyer present
4	9.7.2015	Lawyer present
5	21.8.2015	Lawyer present
6	2.9.2015	Lawyer present
7	27.11.2015	Lawyer present
8	19.2.2016	Lawyer present / Report submitted
9	17.3.2016	Lawyer present



10	30.3.2016	Lawyer present
11	19.4.2016	Lawyer present
12	4.7.2016	Lawyer present
13	4.8.2016	Lawyer present
14	5.8.2016	Lawyer present
15	9.9.2016	Lawyer present
16	24.11.2016	Lawyer present
17	6.1.2017	Lawyer present
18	31.3.2017	All India Lawyers boycott of courts
19	8.5.2017	Absence of judicial member
20	20.7.2017	Lawyer present both days / Bombay High Court stays transfer of WZ matters to Delhi
21	2.11.2017	
22	14.12.2017	Lawyer present
23	23.1.2018	Lawyer present / SC does not permit single member benches
24	2.7.2018	Lawyer present. Thereafter, no further listing till January 2020



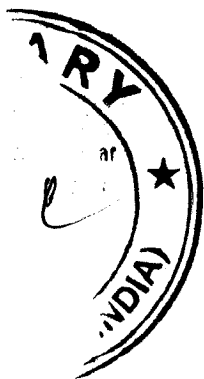
6. After 2018, the matter was not listed before the NGT (WZ) due to non functioning of the Tribunal for various reasons. Subsequently, the Principal Bench began hearings in Delhi, of matters which were

pending before the NGT (WZ) for some time, with video conference arrangements at the NGT premises in Pune. In these circumstances, the applicant was informed a day prior by its AOR who is based in Pune, that the O.A. No. 33/2015 was listed for hearing on the following day, i.e., 22.1.2020. There was no prior notice or warning. Applicant was taken by surprise and could not arrange for its counsel to be present in Delhi or in Pune on the appointed day. Applicant therefore instructed its AOR to ask for a short adjournment and for a fixed date for final hearing. Unfortunately, the AOR also was out of station and not able to be present for the matter, but she requested her junior to stand in and ask for an adjournment. The junior was never engaged as AOR by the applicant nor was she briefed in the matter. Despite her pleas that she was not equipped to argue the matter and she was only standing in for a date, the Tribunal rejected her request and proceeded to pass the impugned order, which, the applicant respectfully submits is in violation of section 19 (1) of the NGT Act, and wholly in violation of the principles of natural justice.

7. Applicant states that at no time during these proceedings from 2015 onwards has the applicant given any indication that it was not willing or ready to pursue the matter. On the contrary, the applicant has dedicatedly pursued the O.A and has been ready to argue the matter whenever it was possible for the Tribunal to take it up for hearing.

On non-adjudication of the issues raised in the O.A

8. The O.A No. 33/2015 challenges the construction of a Rs. 77 crore "signature bridge" extravaganza proposed in the CRZ I of Querim beach in north Goa, across the estuarine mouth of the Tiracol river to the forested slopes of Tiracol village on the other side of the river. The O.A raises the following challenges:



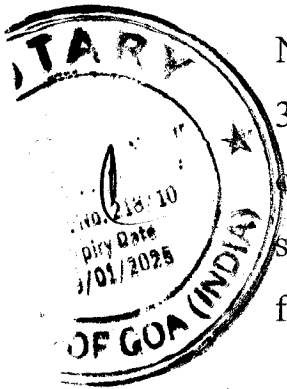
- (i) that the construction of the bridge in CRZ I violates the provisions of the CRZ Notification, 2011;
- (ii) that the construction violates the Forest Conservation Act, 1980 as there is no prior approval from the Ministry of Environment;

(iii) that the construction of the bridge would destroy forever several permanent ecological assets in Goa, including the beautiful Querim beach, the natural forest on Tiracol hill and the Tiracol estuary which is highly dynamic, due to river/sea interface;

(iv) that the estuarine area, also being the principal fishing grounds of the villagers, would be damaged by the piers to be located in the estuary on both sides of the Tiracol river;

(v) that the alignment of the bridge was decided at the behest of the owners of a proposed luxury golf course resort to be constructed in Tiracol i.e chiefly for private purpose although propped up as a public utility.

9. The construction of the bridge was first stayed in December 2014 by the Hon'ble NGT (WZ) in Appeal No. 31/2014 (filed by this applicant) on the grounds that "prima facie, there is material to show that there is violation of the CRZ notification". After the appeal was disposed of, the applicant filed O.A No 33/2015 and the stay of the project was continued vide Order dated 17.4.2015 right up to disposal of the O.A No 33/2015 on 22.01.2020. A copy of the order dated 17.4.2015 in OA 33/2015 is enclosed as **Annexure D.** Even post the Hon'ble Tribunal's order dated 22.01.2020, no work has resumed on the bridge and the situation at loco is the same as when the Hon'ble NGT first stayed the project.



10. Applicant states that as the project's stage I forest clearance has already expired, the bridge cannot be constructed at present. In the meanwhile, the private company's proposed golf course project has also been stayed by the Hon'ble High Court and there are media reports that the proponents of the golf course resort have filed for bankruptcy. The construction of such a grandiose bridge in such circumstances would be a futility, besides waste of public funds, in addition to causing unwarranted environmental distress.
11. The impugned order dated 22.01.2020 shows that this Hon'ble Tribunal has disposed of the application chiefly on the basis of a report received

from the National Institute of Ocean Technology (NIOT) who had been directed to examine the ecological impact of two piers of the bridge proposed for construction within the estuary of the Tiracol river. Applicant submits that this was only one of the several issues raised in the OA and the others have not been examined by this Hon'ble Tribunal. For that matter, the applicant was not heard on its concerns regarding the NIOT report either. Thus, the Hon'ble Tribunal has not dealt with the various issues raised in the petition including the serious violation of laws meant to protect the environment. Hence, the applicant prays that this Hon'ble Tribunal may hear the applicant on the issues raised in the application in public interest and in the interest of environmental conservation as well.

GROUND S

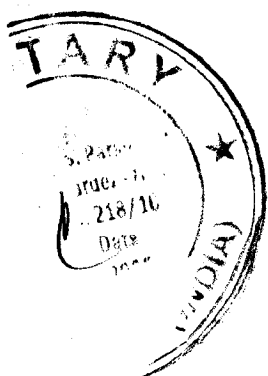
12. The petitioner is therefore approaching this Hon'ble Tribunal on the following grounds, among others:

- i. The impugned order is contrary to the requirements of Section 19(1) of the NGT Act, 2010. The Hon'ble Tribunal is restrained by law from passing orders on substantial environmental issues raised by litigants without hearing the parties. Any order passed in absence of such hearing of litigants is contrary to law, the NGT Act, and principles of natural justice to which the NGT must adhere. There are no exceptions to this provision of law in the NGT Act, 2010.
- ii. The Hon'ble Tribunal has been set up to hear people who raise issues of substantial environmental importance or who appeal orders passed under certain specific acts. The very structure of the NGT does not permit the Hon'ble Tribunal to pass orders without hearing petitioners. The NGT is not empowered to change the NGT Act or to act in violation of the provisions of the NGT Act, 2010.
- iii. The applicant has related the circumstances in which the order came to be issued by the Hon'ble Tribunal. The



Hon'ble Tribunal ought to have granted the request of the lawyer for an adjournment, as the matter was coming up after a considerable amount of time and without sufficient notice. To the best of the applicant's knowledge, there was no request from any party for imperative hearing of this matter.

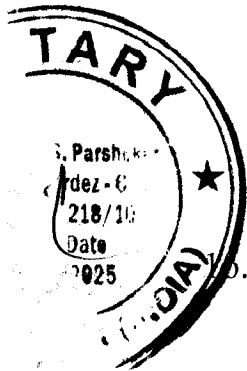
- iv. While the Tribunal does have jurisdiction to hear a matter in the absence of the applicant, if the conduct of the applicant is to delay or unnecessarily protract the proceedings, there is no justification whatsoever for the Hon'ble Tribunal not to have granted a short adjournment as the applicant had been present through counsel on all dates when the matter was listed and had clearly demonstrated its willingness to pursue the matter diligently. Applicant submits that the failure to grant an adjournment and thus afford a full opportunity of hearing to the applicant, is a total violation of the principles of natural justice.
- v. By the impugned order, the Tribunal has not at all dealt with the main issues raised in the application, including the violation of the CRZ Notification, violation of the Forest Conservation Act and the private interest demonstrated in this allegedly public project.
- vi. Such a complex matter could not have been heard through a one-sided video conference, which gave advantage to those physically appearing before the Tribunal in Delhi.
- vii. In the haste to dispose of the application, the Tribunal has passed an unreasonable Order, without considering the pleadings of the applicant, virtually making it a non-speaking Order.
- viii. Pleadings are already complete, hence there would be no delay in fixing a date for the re-hearing of the O.A No. 33/2015.



13. The Applicant therefore prays that this Hon'ble Tribunal be pleased to recall its order dated 22.1.2020 and direct the listing of O.A No 33/2015 to be heard afresh, on any date that is convenient to the Hon'ble Tribunal.
14. As the Hon'ble Tribunal had stayed the bridge construction during the pendency of the application, vide order dated 17.4.2015, the applicant prays for maintenance of the interim stay order until the O.A is heard and decided by the Hon'ble Tribunal.

LIMITATION:

15. There is no delay in the filing of this application. The applicant had first approached the Hon'ble HC vide WP No 183/2021 (F) seeking relief. Vide order dated 31.03.2021 the Hon'ble HC directed the applicant herein to approach the Principal Bench of the Hon'ble NGT. Thereafter, the applicant herein made an application for the authenticated copy of the order on 08.04.2021. However, due to the subsequent lockdown in view of the continuing pandemic and other unknown reasons, the applicant was provided with an authenticated copy of the order only on 31.07.2021.



16. In line with the order of the Hon'ble High Court of Bombay at Goa dt. 31.03.2021, this Applicant approached the Principal Bench of the Hon'ble National Green Tribunal with the issues and concerns espoused in this Application, with an Original Application dt. 04.09.2021 bearing Filing No. 0701102024432021. However, the applicant was directed by the registry to file the Application before the Hon'ble Western Zone Bench.

As such, the Applicant has now approached this Hon'ble Western Zone Bench regarding the issues and concerns detailed above. A copy of the receipt dt. 04.09.2021 showing the successful e-filing of the O.A. with the Principal Bench and a screenshot of the webpage showing the defect so raised is annexed hereto as **Annexure E Colly.**

PRAYERS

17. The applicant is therefore approaching this Hon'ble Tribunal for the following reliefs:

(a) For an order setting aside the order dated 22.01.2020 disposing of O.A. no. 33/2015.

(b) For an order restoring O.A. No. 33/2015 to the final hearing board;

(c) For such and further orders as this Hon'ble Tribunal may deem fit to grant

INTERIM RELIEFS

(d) Pending hearing and final disposal of the application, for an interim order restraining the respondents from proceeding with the construction of the aforesaid bridge being erected across the Tiracol river from the CRZ of Querim (also Kerim) beach in North Goa to the forested Tiracol village on the other side of the river

(e) For an ex parte ad interim order in terms of prayer clause (d)



04.10.2021
Mapusa, Goa


Applicant

Through:
Adv Anamika Gode,
G 8 St Brittos Apts, Mapusa, Goa – 403507
[anamikagode@gmail.com, 9674390308]

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
WESTERN ZONE BENCH AT PUNE

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BETWEEN:

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...APPLICANT

AND

Goa State Environment

Impact Assessment Authority & Ors.

...RESPONDENTS

AFFIDAVIT

I, Dr. Claude aged 73, Indian national, Secretary – Goa Foundation, applicant organization abovenamed, do hereby solemnly affirm and state as under:

- 
1. That I am the secretary and authorized representative of Goa Foundation, i.e. the Applicant, and I am aware of the present case, and as such am competent to swear this affidavit.
 2. That I have read and understood the accompanying Application which has been drafted on my instructions.
 3. I verify that the contents of paras 1, 2, 3(p), 4, 5, 6(p), 7- 9, 10(p), and 11(p) of the accompanying application are in the nature of facts which are true to my own knowledge and belief, and that the contents of paras 3(p), 6(p), 10(p) and 11(p) and 12-17 are my submissions, based on legal advice, which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

4. That the Annexures enclosed are true and correct copies of their respective originals.

Solemnly affirmed at Mapusa,
This the 4th day of October 2021


DEPONENT

I HAVE AFFIRMED AND VERIFIED
BEFORE ME BY Dr. Claude Alvares
WHO IS IDENTIFIED BEFORE ME BY

WHOM I PERSONALLY KNOW
REGD. NO. 2660/202 DATED 4/10/2021

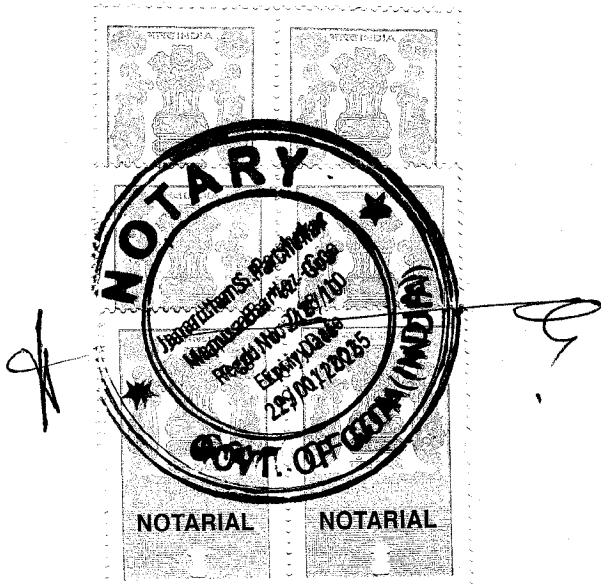
VERIFICATION


JANARDHAN S. PARSHEKAR
NOTARY AT MAPUSA, BARDEZ - GOA.
STATE OF GOA, INDIA.

Verified that the contents of paras 1 to 4 of my above affidavit are true to my knowledge and belief, and that no part of it is false and nothing material has been concealed therefrom.

Verified on the 4th day of October, 2021,
at Mapusa, Goa


DEPONENT



I HAVE AFFIRMED AND VERIFIED
BEFORE ME BY Dr. Claude Alvares
WHO IS IDENTIFIED BEFORE ME BY

WHOM I PERSONALLY KNOW
REGD. NO. 2660/202 DATED 4/10/2021


JANARDHAN S. PARSHEKAR
NOTARY AT MAPUSA, BARDEZ - GOA.
STATE OF GOA, INDIA.

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PLACE – MAPUSA

DATE – 04.10.2021


Advocate for the Applicant

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
(Through Video Conferencing)**

Original Application No. 33/2015 (WZ)

Goa Foundation

Applicant(s)

Versus

Goa State Environment Impact
Assessment Authority & Ors

Respondent(s)

Date of hearing: 22.01.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. SIDDHANTA DAS, EXPERT MEMBER**

Applicant(s): Ms. Swayamprabha holding for Mrs. Supriya
Dangare, Advocate for Applicant.

Respondent(s): Ms. Ruchira Gupta, Advocate for R-3
Mr. Milind M. Mahajan, Advocate for
Respondent No. 6

ORDER

1. This application challenges construction of Tiracol Bridge partly being erected on Querim beach in Goa on the ground that there is violation of CRZ Notification which requires prior approval of the MoEF&CC/SEIAA. According to the applicant, construction is in No Development Zones (NDZ) and no mitigation measures have been taken against possible adverse consequences on fishing.
2. Considering the above grievance, this Tribunal vide order dated 17.04.2015 sought response from concerned authorities and directed *status quo* as a result of which the construction has remained stopped. The Tribunal also

sought an expert report in the matter from National Institute of Ocean Technology, Chennai (NIOT).

3. Accordingly, report was filed by NIOT on 08.02.2016. However, the same is being considered today on account of repeated adjournments at the instance of one or the other party. Even today, adjournment is sought which is declined.
4. In substance, the report is that during construction mitigation measures need to be taken. The observations and recommendations are as follows:-

"Observations

The analysis of long term data with satellite imageries indicate that pillar 6 is normally submerged in sandpit due to natural processes. However, occasionally there could be exposure of pillar 6 due to high fresh water discharge from the catchment.

The maximum anticipated depth at bridge pillar 6 is 0.8 m which may occur during high river discharge. The simulations were conducted to this worst case scenario for fair weather and monsoon conditions. Under the above condition, the effective area of obstruction at pillar no. 6 is 3.84 sq.m against the total cross sectional area channel 900 sq.m, which is not significant.

The simulation studies indicate no significant accretion during monsoon season. But during fair weather from October to April, an accretion of 10 to 20 m is noticed around the pillar location. The flow simulation with this condition indicates no significant changes in the water exchange between estuary and Open Ocean.

Recommendations

- *Increase in the elevation of pile cap by 1m above high flood level to allow natural movement of the sand.*
- *Monitoring of the morphological changes of sand spit at the bridge pillar no. 6 at closed interval to study the seasonal and long term variability.*
- *Monitoring the shoreline changes up to 2km on either side of the pillar no. 6, both in open coast as well as estuary."*

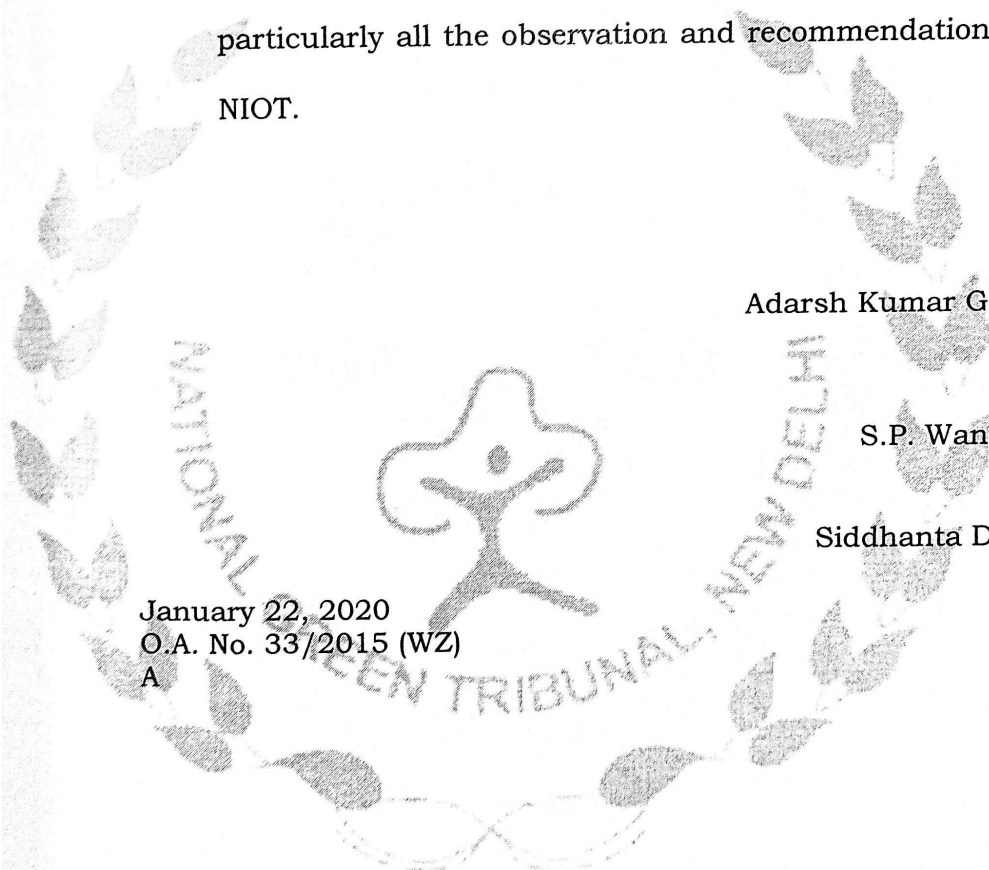
5. Having regard to the fact that Tiracol Bridge may be a matter of public utility and the same can be constructed without any adverse damage to the environment, there is no justification to stop the same in absence of any illegality being shown.
6. Accordingly, we dispose of this application with a direction that the construction of Tiracol Bridge may proceed after taking all due precautions in accordance with law, particularly all the observation and recommendations of the NIOT.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

Siddhanta Das, EM

January 22, 2020
O.A. No. 33/2015 (WZ)
A



ANNEXURE B

- 1 -

IN THE HIGH COURT OF BOMBAY AT GOA.

WRIT PETITION NO183 OF 2021(F).

THE GOA FOUNDATION,
THR. ITS SECRETARY
AND 4 ORS.

.... Petitioners.

VS

GOA STATE ENVIRONMENT
IMPACT ASSESSMENT AUTHORITY
THR. ITS SECERTARY AND 5 ORS.

.... Respondents.

Ms. N. Alvares, Advocate for the petitioners.

Shri D. Pangam, Advocate General with Ms. M. Correia, Addl. Govt
Advocate for the respondents.

Coram:- DAMA SESHADRI NAIDU &
SMT. M. S. JAWALKAR, JJ.

Date:-11th March 2021.

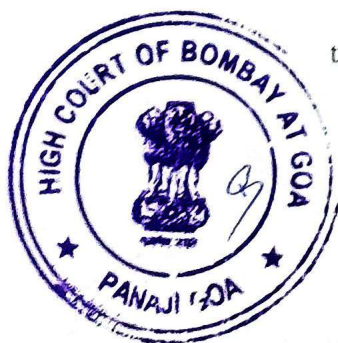
P.C.:-

The petitioners had the main matter before the National Green Tribunal. Earlier, the matter was with the Pune Bench. But, before the pandemic broke, the Principal Bench at Delhi took up the matters of Pune Bench, too, because of logistical problems at Pune.

2. According to the petitioners' counsel, the petitioner had hardly any time to send their representative to Delhi during the peak of pandemic for defending them. Then, without granting further time to the petitioners, as the allegation goes, the NGT, Delhi, has decided the matter—in the petitioners' absence.

3. In this context, the learned counsel for the petitioners contends that essentially the adjudication by the NGT is ex parte, and that breaches the principles of natural justice. For the petitioners have been denied an adequate opportunity of hearing.

4. Joining the issue, the learned Advocate General points out that the petitioners have an efficacious alternative remedy of going to the same



forum—the NGT, Delhi—and request it to withdraw the impugned order and re-hear the matter. Or they may approach the Supreme Court under section 19 of the NGT Act. Finally, the learned Advocate General submits that the petitioners as well may take advantage of the Supreme Court's directives during the pandemic about the freezing of limitation.

5. We reckon that the petitioner's grievance is genuine. As represented by the learned counsel the petitioners, the NGO pursued the matter diligently when it had been pending with the NGT, Pune Bench, for five years.

6. Then for the reasons not germane here, the Principal Bench NGT at Delhi took up the matters of Pune Bench with one day's notice or so. We reckon the petitioners are justified in contending that they hardly had any time to prepare themselves to go over to Delhi and defend themselves. So, it will serve the ends of justice if the NGT, Delhi, considers the petitioners' plight in the light of the prevailing pandemic. As the respondent has raised a jurisdictional issue, we intend to address no issue on the merits.

Instead, we close the Writ petition, giving liberty to the petitioners to approach the Principal Bench of NGT, Delhi, and highlight the problem they had faced and how it had been diligent in prosecuting the case. In that event, the learned NGT, we hope, will consider the issue keeping in view the Apex Court's directives on the approach the courts and the tribunals have to adopt during the pandemic.

SMT. M. S. JAWALKAR, J

DAMA SESHADRI NAIDU, J.

VN*

VINITA VIKAS NAIK

Digitally signed by VINITA VIKAS NAIK
Date: 2021.06.25 10:11:10 +05'30'



Disclaimer Clause: Authenticated Copy is not a Certified Copy.

FORM

G. A. R. 5

[See Rule 22(i)]

RECEIPT

. 000813

No. MCC-796-2021

dt. 31.07.2021
20

Received from Adv. OM D'Costa

with Letter No. WP 183/2021 (F)

dated 8.4.2021 20 the sum of Rs. 2/-

(Rupees Two only)

.....)

in cash/by cheque/by Bank draft on account of.....

Authenticated copy of order

..... in payment

of

Rs. 2/-

Signature
Nandg
Designation

BEFORE THE NATIONAL GREEN TRIBUNAL, WESTERN ZONE
BENCH, PUNE

APPLICATION NO.33/2015 (WZ)
Goa Foundation V/s. GEIAA & Ors

CORAM: HON’BLE MR JUSTICE V.R. KINGAONKAR, JUDICIAL MEMBER
HON’BLE DR. AJAY A. DESHPANDE, EXPERT MEMBER

Present: Appellant : Norma Alvares Adv a/w
Supriya Dangare Adv.
Respondent Nos.3,4 : Mr. Dattaprasad Lawande Adv

Date and Remarks	Orders of the Tribunal
Item No. 16 April 17, 2015 Order No.2	Heard. The Applicant has placed on record affidavit along with the photograph. Learned Advocate for the Applicant would submit that now the changes are being made on account of proposed construction of bridge on spit at Querim. The spit is, therefore, elongated. The factual position is disputed by learned Advocate Mr. Dattaprasad Lawande, appearing for the State. By applying the ‘Precautionary Principle’ and in order to avoid any further changes in the status of the area on spit at Querim, particularly, which may cause changes in tidal waves/currents and the status of estuarine area, which allegedly may narrow down mouth of the river, no further work be carried out at the said place (i.e. Pillar No.6). The previous order regarding ‘status quo’ to continue, as regards construction on Teracol side in respect of bridge. We direct the State to seek report of the Central Water Power Research Station (CWPRS), Pune, or NIO, Goa or NIOT, Chennai, regarding environmental impacts on the estuarine area, particularly, on the spit of Keri (Pillar No.6) and particularly regarding changes, if any, caused as a result of construction activity in the tidal water activity, or changes of estuarine areas, due to adverse impact of construction put in or that construction of Pillar No.6, is likely to influence the tidal movements of water of river whatsoever it may be. We make it clear that the said Institute shall assess the fact position and consider all aspects required to be covered in the study considering the points raised by the Applicant. The report shall be prepared and called at the cost of GSIDC- Respondent No.3, and copy of this order be immediately served on the Director of CWPRS, Pune, or NIO or NIOT, by the Applicant and learned Advocate appearing for the State. Choice of getting work done is with the Respondent No.3. The report shall be expedited and not

Item No. 16 April 17, 2015 Order No.2	delayed due to non-payment of required cost estimates by the Institute. The report shall be made available within four (4) weeks and shall be directly sent to the Registrar, NGT (WZ) Bench Pune in sealed envelope. All the issues are kept open. S.O. to 25th May, 2015. , JM (Justice V. R. Kingaonkar) , EM (Dr.Ajay A. Deshpande)
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National Green Tribunal



Case Title	Goa Foundation Vs. SEIAA
Payee Name	Goa Foundation
Case Type	Original Application
Filing No.	0701102024432021
Transaction id	0700110142292021
Bank Transaction id	0409210008316
Payment Date	2021 -09-04 00:00:00.0
Amount	1110 Rs.
Status	SUCCESS

Defect raised by NGT



Reason	Status	Remarks
Has original/duly attested copy of the impugned order(s) been filed?	NO	
Has the application/appeal been duly signed and verified?	NO	
Has the index of documents been filed and pagination done properly?	NO	
Has the Vakalatnama/Memo appearance authorization been filed?	NO	
Have legible copies of the annexures duly attested been filed?	NO	
In case an application for condonation of delay is filed, is it supported by an affidavit of the appellant?	NO	
Is the Application/Appeal in the proper form?	NO	With reference to your Original Application filed by you, i am to inform you that does not lie as per NGT Act, 2010, you are requested to file proper application before the concern bench (Pune, NGT), no further scrutiny required